



महाराष्ट्र शासन राजपत्र

असाधारण भाग पाच-अ

वर्ष ३, अंक १०]

शनिवार, एप्रिल १, २०१७/चैत्र ११, शके १९३९

[पृष्ठे ३, किंमत : रुपये ३६.००

असाधारण क्रमांक २३

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद)

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 1st April, 2017 is published under Rule 117 of the Maharashtra Legislative Assembly Rules .

L. A. BILL No. XXIV OF 2017.

A BILL

further to amend the Maharashtra Legislature Members

(Removal of Disqualification) Act.

Bom. LII of 1956. Whereas it is expedient further to amend the Maharashtra Legislature Members (Removal of Disqualification) Act, for the purpose hereinafter appearing; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Maharashtra Legislature Members Short title.
(Removal of Disqualification) (Amendment) Act, 2017.

2. A person shall not be disqualified or shall be deemed never to have been disqualified for being chosen as, or for being a member of the Maharashtra Legislative Assembly or the Maharashtra Legislative Council, merely by the reason of the fact that he holds the office of Chief Whip or Whip, as the case may be ; and accordingly, in Schedule I to the Maharashtra Prevention of disqualification of membership of state Legislature.

Legislature Members (Removal of Disqualification) Act, after entry 22, the following entry shall be added, namely:—

“23. The offices of the Chief Whip or Whip in the Maharashtra State Legislature.

Explanation.— The expression “Chief Whip” or “Whip”, in relation to the Maharashtra Legislative Assembly, means that Member of the House who is, for the time being, declared by the party forming the Government to be the Chief Whip or Whip in that House and recognized as such by the Speaker; and that Member of the Maharashtra Legislative Council who is, for the time being, declared by the party forming the Government to be the Chief Whip or Whip in that House and recognized as such by the Chairman.”.

STATEMENT OF OBJECTS AND REASONS.

Sub-clause (a) of clause (1) of article 191 of the Constitution of India provides that a person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly or Legislative Council of a State, if he holds any office of profit under the Government of India or the Government of any State specified in the First Schedule, other than an office declared by the Legislature of the State by law not to disqualify its holder.

Pursuant to the said provisions of sub-clause (a) of clause (1) of article 191, the Maharashtra Legislature Members (Removal of Disqualification) Act (Bom. LII of 1956) has been enacted, with a view to provide that the holder of the offices specified in the Schedule appended to the said Act shall not be disqualified for being chosen as, and for being, a member of the State Legislature.

2. The offices of the Chief Whip and Whip of the party forming the Government in the State Legislature are of utmost important for the functioning of both houses of the State Legislature. It is, therefore considered expedient to provide that the Member of the State Legislature who are holding the Chief Whip and Whip in the State Legislature shall not be disqualified for being chosen as, and for being, a member of the State Legislature, due to the certain facilities attached to the said offices. It is, therefore, considered expedient to amend the said Act, suitably.

3. The Bill seeks to achieve the above objectives.

Mumbai,

dated the 31st March, 2017.

GIRISH BAPAT,

Minister for Parliamentary Affairs.

Vidhan Bhavan :

Mumbai,

Dated the 1st April 2017.

DR. ANANT KALSE,

Principal Secretary,

Maharashtra Legislative Assembly.